

Message Text

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DRAFTED BY D/HA/ORM:ELEDBETTER/ARA:RDRISCOLL:CML

APPROVED BY D/HA - JLCARLIN

VO - JARIAS

INS - SISENSTEIN (INFO)

ARA - GLISTER

D/HA/ORM - CCPAPPAS

SCA - LWALENTYNOWICZ

ARA-RDRISCOLL

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FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO PRIORITY

INFO AMEMBASSY LIMA PRIORITY

C O N F I D E N T I A L STATE 007410

E.O. 11652: N/A

TAGS: SREF, CVIS

SUBJECT: CHILEAN PAROLE PROGRAM

1. DEPARTMENT IS TROUBLED OVER SOME OF CASES SUBMITTED RECENTLY BY EMBASSY IN WHICH EITHER CONSULAR OR INS OFFICER OR BOTH HAVE RECOMMENDED AGAINST CONSIDERATION FOR PAROLE, DESPITE FACT THAT APPLICANTS APPARENTLY ARE NOT REPEAT NOT INELIGIBLE UNDER INA.

2. WE BELIEVE THAT OFFICERS ADMINISTERING PAROLE PROGRAM MUST KEEP IN MIND SITUATION WHICH EXISTED PRIOR TO SEPTEMBER 11, 1973 WHEN DECIDING ON EACH CANDIDATE. AFTER ALL 36 PERCENT OF VOTERS CHOSE ALLENDE IN HONEST ELECTION. AN ADDITIONAL NUMBER SUPPORTED CONSTITUTIONAL GOVERNMENT OVER A MILITARY ALTERNATIVE. THUS MANY CANDIDATES IN THE
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EXERCISE OF THEIR SUFFRAGE AND IN DEFENSE OF LEGITIMATE

AUTHORITY ARE TAGGED AS OPPONENTS OF THE REGIME AND JAILED IN MANY CASES. SINCE WHAT IS ILLEGAL NOW WAS NOT SO IN THE PAST, IT IS UNDERSTANDABLE THAT CANDIDATES MAY NOT BE ALTOGETHER CANDID ABOUT THEIR PREVIOUS ASSOCIATIONS. IF A PERSON SUPPORTED ALLENDE GOVERNMENT, IS IT NOT LOGICAL THAT HE MIGHT ATTEMPT DO SOMETHING, NO MATTER HOW FUTILE OR APPARENTLY STUPID AFTER FACT, TO SUCCOR THAT GOVERNMENT WHEN THREATENED WITH IMMEDIATE ILLEGAL OVERTHROW BY

MILITARY? AND, BECAUSE USG HAS AT LEAST APPEARED TO BE CLOSELY ASSOCIATED WITH JUNTA, IS IT NOT LOGICAL THAT AN APPLICANT -- WHOSE PRIMARY MOTIVE IS PRESUMABLY TO GET OUT OF JAIL -- TENDS TO AT LEAST "FUDGE" ANY PREVIOUS ASSOCIATIONS WITH LEFTISTS? CHILE OF TODAY IS NOT CHILE OF THREE YEARS AGO. WHAT IS ILLEGAL NOW WAS NOT NECESSARILY ILLEGAL THEN. THUS, WE SUGGEST THAT OFFICERS IN PAROLE PROGRAM COORDINATE IN ADVANCE THEIR OPINIONS ON APPLICANTS WITH POLITICAL SECTION, ESPECIALLY IN CASES INVOLVING NEGATIVE RECOMMENDATIONS.

3. WE ALSO URGE THAT ALL CONCERNED ATTEMPT VIEW APPLICANT NOT ONLY IN TERMS OF SPECIFIC ACTIVITIES AND EDUCATIONAL LEVEL, BUT IN POLITICAL, SOCIAL AND ECONOMIC CONTEXT IN WHICH HE HAS BEEN LIVING: E.G. WAS HE WELL EDUCATED AND SOPHISTICATED LEADER IN COMMUNITY; TO WHAT EXTENT WAS HE NORMALLY INVOLVED IN POLITICS; WERE THESE ACTIVITIES ONLY INCIDENTAL TO WHAT HE DID FOR A LIVING OR WAS POLITICS HIS PRINCIPAL PREOCCUPATION? IS GENERAL PATTERN OF HIS ACTIVITIES CONSISTENT WITH ADVERSE INFERENCES POSSIBLY TO BE DRAWN FROM SEEMINGLY DEROGATORY INFORMATION? WHAT IF ANY EVIDENCE IS THERE OF INCLINATIONS WHICH WOULD LEND THEMSELVES TO CONTRARY DETERMINATIONS?

4. AS EMBASSY IS AWARE, INFO SUPPLIED BY GOC IS NOT NECESSARILY RELIABLE, AND OF COURSE STATEMENT BY MIN. OF INTERIOR THAT APPLICANT, FOR EXAMPLE, IS MEMBER OF MIR DOES NOT NECESSARILY MAKE HIM ONE.

5. DEPT. IS AWARE THAT REINTERVIEW OF APPLICANTS, ESPECIALLY THOSE IN OUTLYING AREAS, IS DIFFICULT AND TIME CONFIDENTIAL

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CONSUMING AND THAT OTHER RECORDS ARE OFTEN UNOBTAINABLE BY EMBASSY. HOWEVER WE ARE PARTICULARLY CONCERNED ABOUT FOLLOWING CASES.

6. WE WONDER IF ALL ASPECTS OF VICTOR DOMINGO ORTIZ DUARTE CASE (SANTIAGO 8296) HAVE BEEN EXPLORED. WE NOTE THAT AFTER PERIOD OF TIME (HOW LONG?) HE DID VOLUNTARILY TURN REVOLVERS OVER TO AUTHORITIES, AND THAT JOINT RECOM-

MENDATION IS APPARENTLY BASED SOLELY ON THIS REVOLVER INCIDENT. HAVE CONSULAR AND INS OFFICERS WEIGHED POSSIBLY THAT CIRCUMSTANCES DESCRIBED IN PARA. 2 ABOVE PLUS CONFUSION AND POOR JUDGEMENT ACCOUNT FOR HIS ACTIONS IN INITIALLY ACCEPTING WEAPONS, RATHER THAN PROCLIVITY TOWARD VIOLENCE AND INVOLVEMENT WITH EXTREMIST FACTION OF POLITICAL PARTY? WOULD ONE SO INVOLVED NOT HAVE THROWN

GUNS AWAY RATHER THAN TURN THEM INTO AUTHORITIES? WHAT, IN SO MANY WORDS WERE HIS ANSWERS TO QUESTIONS AS TO WHY HE DID WHAT HE DID? WHAT, OTHER THAN THIS INCIDENT, LED TO THE CONCLUSION THAT HE WAS PROBABLY MEMBER OF EXTREME VIOLENT FACTION OF SOCIALIST PARTY? AND IF THAT CONCLUSION HAD BEEN REACHED, WHY NOT SUBMIT CLEAR-CUT RECOMMENDATION THAT HE BE REFUSED UNDER APPROPRIATE PROVISIONS OF INA?

7. WE WOULD ALSO APPRECIATE EMBASSY'S MAKING EFFORT ONCE MORE TO OBTAIN MORE FACTS REGARDING EDUARDO GUSTAVO ARAYA CUEVAS (SANTIAGO 8294). WE NOTE THAT WHILE OUTSIDE GOC SOURCES IDENTIFY HIM AS BEING IMPLICATED IN "PLAN Z" TO KILL MILITARY, DETENTION STATUS IS SIMPLY "ARRESTED SEPT. 20, 1973 UNDER ARMS CONTROL LAW". IS THERE HARD EVIDENCE THAT "PLAN Z" EVER IN FACT EXISTED? IS GOC GRANTING EXILE DECREES TO PERSONS WHO HAD PLANNED TO KILL MILITARY? PRECISELY WHAT ARMS CONTROL VIOLATION WAS IT THAT TOOK PLACE AND RESULTED IN HIS DETENTION? IF SPECULATION SET OUT IN PARA 6 AS TO OPPORTUNITIES HAS BASIS IN FACT, IS THERE SOME EVIDENCE OR INDICATION TO THAT EFFECT IN COURT RECORDS? DOES POLITICAL SECTION HAVE INDICATIONS THAT SOCIALIST PARTY EXTREMIST FACTION MAINTAINED PARAMILITARY CAMPS IN AREAS IN WHICH ARAYA CUEVAS WORKED?

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8. OUR READING OF SANTIAGO 8295 ON RAMON ANTIPAW PILQUINAO IS THAT BASIS FOR NEGATIVE RECOMMENDATION IS ESSENTIALLY SUBJECT'S RESPONSE, "IT HAD SLIPPED MY MIND" TO QUESTION PUT TO HIM REGARDING "FRENTE DE UNIDAD MARXISTS LENINISTA". IN PARAGRAPH 5 FRENTE IS DESCRIBED AS AN UNEVALUATED ORGANIZATION THE ACTIVITIES OF WHICH ARE UNKNOWN TO EMBASSY. WITH EXCEPTION OF PROTEST DEMONSTRATIONS REGARDING SCHOLARSHIPS FOR LOCAL INDIANS. WHAT EVIDENCE IS THERE TO INDICATE UNDESIRABILITY? ARE SUCH PROTEST DEMONSTRATIONS "SEEMINGLY FAR LEFTIST ACTIVITIES?" WE THINK NOT.

9. WE ALSO HAVE PROBLEMS WITH SANTIAGO 8301 ON NELSON ALBERTO SALAS MORALES. MANY WORKINGMEN SUPPORTED ALLENDE GOVERNMENT. COUP AND COUNTER COUP RUMORS WERE RIFE IN

CHILE AT THAT TIME. NATURALLY, MANY WORKERS WERE DOING WHAT THEY COULD TO SAVE GOVERNMENT. FURTHER, IT WAS LEGITIMATE GOVERNMENT OF CHILE, THE ONE USG RECOGNIZED AT THE TIME, AND THERE WAS NOTHING ILLEGAL ABOUT ITS CITIZENS TRYING TO PROTECT IT. IS THIS NOW GROUNDS FOR EXCLUSION?

10. PAROLE PROGRAM OFFICERS MUST EVALUATE NATURE AND SERIOUSNESS OF ACTION TAKEN BY ALIEN IN OPPOSING ARMY AND DEFENDING ALLENDE GOVERNMENT, AS WELL AS TIME FRAME IN

WHICH ACTION WAS TAKEN. WE ARE PARTICULARLY CONCERNED ABOUT INS OFFICER'S OPINION IN 8301. MOST PEOPLE WHO SUPPORTED ALLENDE GOVERNMENT WERE NOT REPEAT NOT COMMUNISTS. OPPOSING THOSE FORCES TRYING TO OVERTHROW ALLENDE WAS NO CRIME WHILE HE WAS STILL IN POWER. FURTHERMORE, SHOOTING BIRDS WITH SLINGSHOT IS NOT EVIDENCE OF TOTALITARIAN BEHAVIOR. AT THAT TIME IN CHILE ALL SORTS OF THINGS WERE GOING ON AND ONE MIGHT WELL IN THOSE CIRCUMSTANCES ACCEPT SOMETHING FROM FRIEND AND NOT ASK QUESTIONS.

11. STORY OF JUAN CARLOS CADIZ MANCILLA IN SANTIAGO 8297 OBVIOUSLY HAS SOME HOLES IN IT, BUT EVEN IF HE DID DO WHAT THE COURT ALLEGES, WAS IT ILLEGAL? IS ANY RELATIONSHIP WITH A PROSCRIBED GROUP ESTABLISHED? WE SEE NONE. WE ALSO QUESTION WHETHER ABSENCE OF GUARDS WOULD BE CONFIDENTIAL

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ENOUGH TO REASSURE A PRISONER THAT ATMOSPHERE WAS FREE. CADIZ COULD WELL HAVE SUSPECTED THAT ROOM WAS BUGGED, AND THE QUESTIONS PUT TO HIM BY INS OFFICERS WERE HARDLY REASSURING. CANDID ANSWERS ARE DESIRABLE, BUT EVASIVENESS SHOULD NOT IN AND OF ITSELF BE REASON FOR REFUSAL UNLESS IT IS SHOWN TO BE CONCEALING A MATERIAL FACT. WHAT WE NEED IN ALL THESE CASES IS BETTER EVIDENCE THAT THESE APPLICANTS WERE VOLUNTARILY INVOLVED WITH AND AGREED WITH AIMS OF PROSCRIBED GROUPS, OR WERE OTHERWISE INVOLVED IN CRIMINALLY OR MORALLY UNDESIRABLE ACTIVITIES AS JUDGED BY CURRENT U.S. STANDARDS.

12. WE DO NOT FIND MR. ALTAMIRANO'S CLAIM (SANTIAGO 8598) THAT ARMS WERE PLANTED IN A STUDENT DORMITORY TO BE BEYOND CREDIBILITY, GIVEN CIRCUMSTANCES IN CHILE AT TIME OF COUP. WHAT WEIGHT WAS GIVEN BY INS OFFICER TO FATHER KOWNACKI'S STATEMENT THAT ALTAMIRANO WAS NOT INVOLVED IN SUBVERSIVE ACTIVITIES?

13. WE ARE NOT REPEAT NOT ADVOCATING ENTRY INTO U.S. OF INELIGIBLE OR CLEARLY UNDESIRABLE ELEMENTS. HOWEVER, BECAUSE OF SITUATION IN WHICH DETAINEES FIND THEMSELVES

WE BELIEVE THEY SHOULD BE GIVEN EVERY OPPORTUNITY ESTABLISH THEIR ELIGIBILITY FOR ENTRY INTO U.S.

14. WE SUGGEST EMBASSY POLITICAL SECTION COORDINATE CLOSELY WITH BOTH INS OFFICERS AND CONSULAR OFFICERS. WE WOULD ALSO APPRECIATE RECONSIDERATION OF RECOMMENDATIONS IN ABOVE CITED CASES BY BOTH CONSULAR AND INS OFFICERS AND RE-INTERVIEW OF SUBJECTS WHERE APPROPRIATE

IN ORDER ATTEMPT RESOLVE DISCREPANCIES AND/OR OBTAIN NEW INFORMATION.

15. WE ARE ALSO RE-EXAMINING OTHER CASES WITH VIEW TO POSSIBLY REQUESTING RECONSIDERATION OF RECOMMENDATIONS. KISSINGER

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